

Attachment E

***Sample Silver Track Program Covenant
Agreement***

Silver and Gold Track Program

Silver Track

Sample Covenant Format

Note: Generic covenant agreement language is presented here as an example; specific language will be crafted between each participating entity and the Department.

The New Jersey Department of Environmental Protection (NJDEP) acknowledges that a command and control regulatory philosophy has significantly improved the quality of the environment in New Jersey. However, as we move into the 21st century, with the majority of regulated entities in compliance with standard regulatory requirements, the NJDEP, in its commitment to continuous environmental improvement, needs to build and enhance partnerships with entities to go beyond regulatory requirements by minimizing or eliminating discharges to the environment, reducing raw material usage or substituting less toxic materials, or practicing product stewardship.

In response to the commitment to continuous environmental improvement, Silver Track represents the NJDEP's first broad step toward implementing a regulatory structure that requires accountability, measures environmental performance, provides operational flexibility and produces environmental results consistent with the goals outlined in the agency's Strategic Plan 1998 – 2001.

Whereas, XYZ company has a company vision of minimizing operational impacts on the environment and quality of life of its community neighbors;

Whereas, XYZ company has expressed a voluntary desire to go beyond its regulatory requirements and work towards continuous environmental improvement of its operations;

Whereas, XYZ company has demonstrated consistently acceptable compliance with all regulatory requirements of its operations in New Jersey;

Whereas, XYZ company is currently in compliance with all environmental obligations and is participating in programs that promote responsible environmental practices;

Whereas XYZ company meets the base criteria for eligibility into Silver Track;
Whereas, this base criteria includes but is not limited to;

- No significant water, air or pesticides discharge/emission/violations in the last 5 years
- No criminal violations
- Has in place a Pollution Prevention Plan, if required
- Solid Waste approvals/permits are current and consistent with local recycling laws/ordinances and applicable county Solid Waste Management Plans
- Hazardous Waste on site is properly managed and disposed of consistent with State and Federal regulations
- Community Right to Know surveys have been submitted in a timely manner to the NJDEP
- If designated as a TCPA entity, has established an approved risk management plan
- If applicable, has an approved DPPC/DCR plan on site and on file with the NJDEP

Whereas, XYZ company will, as of date X, commit to electronic submittal of all permit applications and renewals as feasible, using the NJDEP's NJEMS system;

Whereas, XYZ company will, within one year of entering a Silver Track Covenant, commit to implementation of an Operations and Environmental Compliance plan;

Whereas, XYZ company will, within one year of entering a Silver Track Covenant, commit to implementation of a Community Outreach program;

Whereas the NJDEP will formally recognize Company XYZ for its commitment to the environment and continuous operational improvement;

Whereas the NJDEP will commit to the development of a permitting schedule that reflects the critical path of sequential permitting activities;

Whereas NJDEP will commit to a single point of contact for all permitting applications;

Whereas NJDEP will commit to the utilization of “smart” permits and general permits for applicable permitting activities of Company XYZ;

Whereas NJDEP will commit to working with Company XYZ to conduct expedited RD&D project application reviews if requested;

Now therefore, providing all requirements have been mutually and voluntarily agreed upon, NJDEP and Company XYZ hereby enter into this covenant.

Commissioner, NJDEP

CEO, Company XYZ